

Introduced by Trece

First Reading 7-6-21

Second Reading 7-19-21

Ordinance No. 024699

Council Bill No. B 211-21

024699

Permanent Record
Filed in Clerk's Office

AN ORDINANCE

granting the issuance of a conditional use permit to Boone Development, Inc. and Old Hawthorne Golf Club, LLC to allow "outdoor recreation or entertainment" uses on property located on the east side of Old Hawthorne Drive, approximately 650 feet north of Route WW (1900 W. Old Hawthorne Drive), in an O (Open Space) zoning district; providing a severability clause; and fixing the time when this ordinance shall become effective.

WHEREAS, pursuant to Section 29-6.4(m)(1) of the City Code, the Planning and Zoning Commission (hereinafter "Commission") held a public hearing and submitted a written recommendation to the City Council related to issuance of a conditional use permit on property located at 1900 W. Old Hawthorne Drive and legally described as set forth in "Exhibit A" attached hereto and incorporated by reference; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-6.4(m)(2)(i) of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council finds and determines that the criteria established in Section 29-6.4(m)(2)(i) of the City Code has been met and hereby grants the issuance of a conditional use permit to Boone Development, Inc. and Old Hawthorne Golf Club, LLC to allow "outdoor recreation or entertainment" uses on property located at 1900 W. Old Hawthorne Drive in an O (Open Space) zoning district, subject to the following conditions:

- a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.
- b. The potential "outdoor recreation or entertainment" uses shall be limited to those set forth in "Exhibit B" attached hereto and incorporated by reference and shall not include the following: amusement parks, commercial baseball fields, fairgrounds, race tracks, commercial stables, gun clubs, skeet, trap or target ranges, outdoor stage and concert facilities, or other activities of similar type or scale.

- c. The total square footage of the clubhouse facility shall not exceed the aggregate square footage of all facilities devoted to “outdoor recreation or entertainment” uses on the lot.
- d. Prior to commencing with additional site improvements, regardless if a building permit is or is not required, a comprehensive land disturbance and storm water management plan shall be provided for the City’s approval demonstrating compliance with the adopted regulations. It is recognized that the final design of the site, as shown in the plan set forth in “Exhibit C” attached hereto, may be modified prior to full build-out of the site and as such this condition may be satisfied by submitting plans showing compliance with each successive site improvement including and up to the final site feature’s construction.
- e. The property owner shall comply with the requirements of District O and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- f. The allowed uses, per this conditional use permit, shall not create negative impacts on neighboring properties and rights-of-way, including but not limited to:
 - 1. Lighting and glare beyond the property lines between the hours of 10:00 p.m. and 7:00 a.m.;
 - 2. Excessive noise not compatible with the authorized use;
 - 3. Dust and odor;
 - 4. Excessive traffic not compatible with the authorized use or surrounding neighborhood;
 - 5. Storm water impacts; or
 - 6. Physical appearance not compatible with the authorized use or surrounding neighborhood.
- g. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

SECTION 2. The provisions of this ordinance are severable and if any provision is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of July, 2021.

ATTEST:

Deputy Donna L. Whalley
City Clerk

B. S.
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor